

CATEGORICAL EXCLUSION

CE Number: DOI-BLM-ID-I010-2013-0030-CX

Title of Action: Browning Honey Company Apiary Land Use Permit Renewal

Project/Case File Number: IDI-34955 / IDI-31733

Preparer: Heather Schlenker, Realty Specialist

Date of Preparation: April 26, 2013

DESCRIPTION OF PROPOSED ACTION:

On March 28 2013, Merle Browning filed a Land Use Application and Permit (Form 2920-1) to request a renewal of land use permit IDI-34955 in the Upper Snake Field Office and permit IDI-31733 in the Pocatello Field Office. The permits would allow the use of public land for beekeeping and stockpiling unproductive hives.

Browning Honey has operated under IDI-31733 since 1995 and under IDI-34955 since 2005 and would like to continue to use public land for an apiary site. The bee hives would be placed on site from April through October of each year. There have not been any changes from the original permits since that time. The LUP encumbers approximately 0.23 acres of public land in Jefferson County and 0.23 acres in Bonneville County, Idaho. The legal description is as follows:

Boise Meridian, Idaho (see Exhibits A, A-1)
T. 5 N., R. 38 E.,
sec. 22, lot 19,
T. 3 S., R. 38 E.,
sec. 10, lot 8.

The issuance of this permit renewal would be authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2920.7(i). Rent would be collected according to regulations found at 43 CFR 2920.8 and BLM Idaho State Office Guidance outlined in Information Bulletin No. ID-2011-028 *Guidance for Determining Rental Fees for Section 203(b) Permits and for Stipulations Pertaining to Apiary Sites*.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Upper Snake and Pocatello Field Office webpages.

FINDING & RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 4 E (9) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that renewals and assignments of leases, permits or rights-of-way

where no additional rights are conveyed beyond those granted by the original authorizations may be excluded from further environmental review.

I recommend that the renewal of this LUP be approved subject to the attached current terms and conditions (Exhibit B) for a three year period expiring April 29, 2018. The renewal would be processed under authority of Public Law 94-579 and current Bureau regulations found at 43 CFR 2920.

Annual rental would continue to be required in accordance with 43 CFR 2920.8 and BLM Idaho State Office Guidance outlined in Information Bulletin No. ID-2011-028 *Guidance for Determining Rental Fees for Section 203(b) Permits and for Stipulations Pertaining to Apiary Sites*. Annual rental for beekeeping and stockpiling is \$145 (\$70 plus \$75).

DECISION AND RATIONALE FOR THE DECISION AND LAND USE PLAN CONFORMANCE- UPPER SNAKE FIELD OFFICE

It is my decision to renew land use permit IDI-34955 allowing for the continued use of an apiary site on public lands. The permits will be granted for a 3 year term with right to renew. Approval of the requested renewal does not authorize any new ground disturbance and therefore would cause no significant environmental disturbance. This action qualifies as a categorical exclusion as contained in 516 DM 2, Appendix 5.4 E (9) and none of the exceptions in 516 DM 2, Appendix 2, apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with Medicine Lodge Resource Management Plan (1985).

APPEALS INFORMATION:

Appeals information can be found at 43 CFR part 4.

/s/ Heather Schlenker 4/30/2013
Heather Schlenker Date
Realty Specialist

/s/ Josh Gibbs 5/6/2013
Joshua Gibbs Date
NEPA Reviewer

/s/ Jeremy Casterson 5/6/2013
Jeremy Casterson Date
Field Manager

DECISION AND RATIONALE FOR THE DECISION AND LAND USE PLAN CONFORMANCE- POCATELLO FIELD OFFICE

It is my decision to renew land use permit IDI-31733 allowing for the continued use of an apiary site on public lands. The permits will be granted for a 3 year term with right to renew. Approval of the requested renewal does not authorize any new ground disturbance and therefore would cause no significant environmental disturbance. This action qualifies as a categorical exclusion as contained in 516 DM 2, Appendix 5.4 E (9) and none of the exceptions in 516 DM 2, Appendix 2, apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with Pocatello Resource Management Plan (2012). *“For right-of-ways (ROW’s) which include energy and non-energy related ROW’s and Land Use Authorizations (LUA’s), 590,000 acres will be managed as Open Areas; 21,900 acres will be managed as Avoidance Areas and 1,900 acres will be managed as Exclusion Areas these areas are defined as follows:”*

“Open Areas – These are areas not identified as avoidance or exclusion areas and are open to ROWs and land use authorization proposals.”

APPEALS INFORMATION:

Appeals information can be found at 43 CFR part 4.

/s/Heather Schlenker 4/30/2013
Heather Schlenker Date
Realty Specialist

/s/Blaine Newman 4/30/2013
Blaine Newman Date
NEPA Reviewer

/s/David A. Pacioretty 5/1/2013
David A. Pacioretty Date
Field Manager

Extraordinary Circumstances Requiring Preparation of an EA or EIS

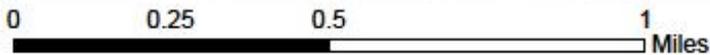
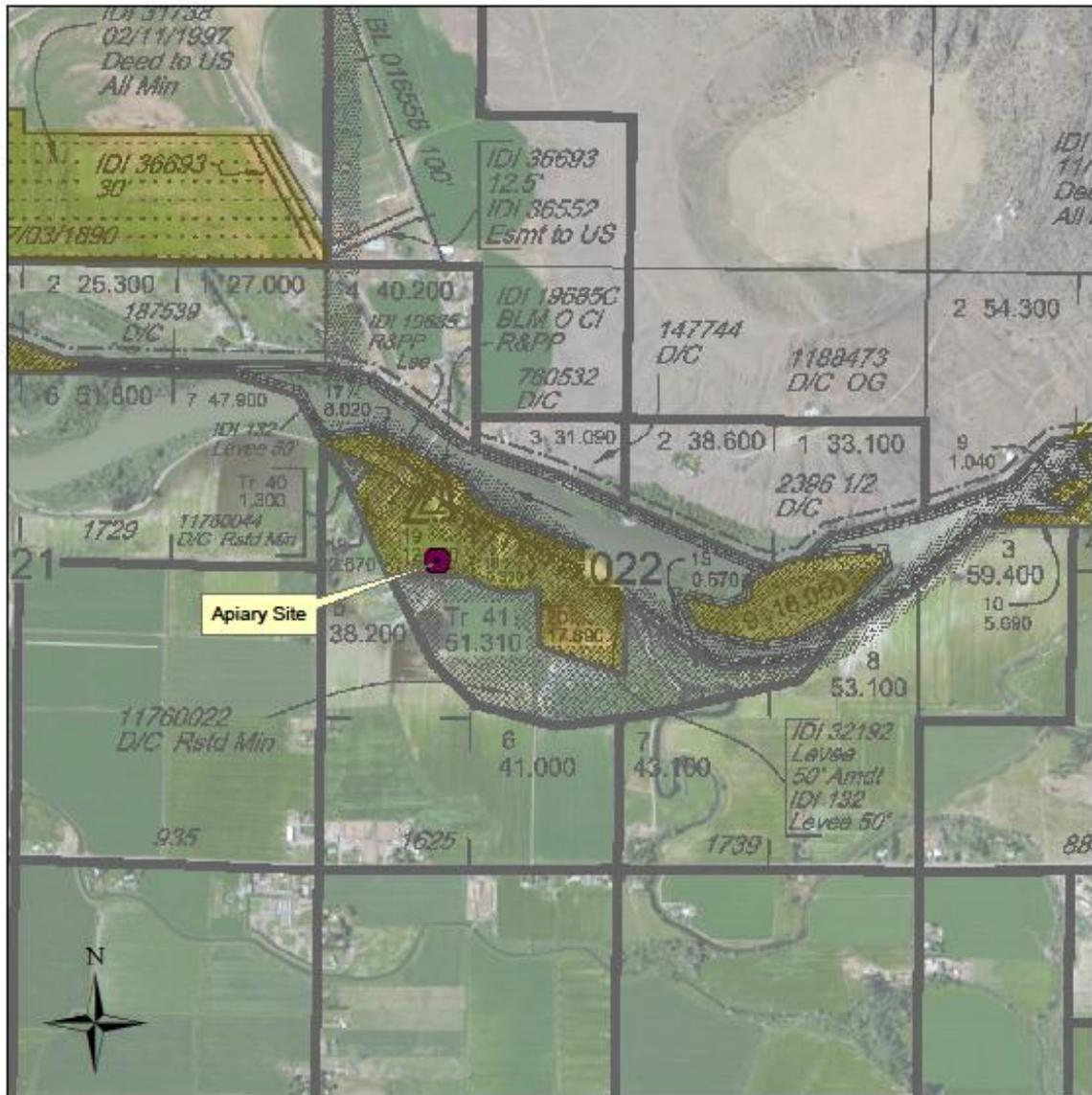
(516 DM 2, Appendix 2)

The action described in categorical exclusion **DOI-BLM-ID-I010-2013-0030-CX (IDI-34955/ IDI-31733)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM #</u>	<u>Extraordinary Circumstance</u>
2.1	Have significant impacts on public health or safety
2.2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
2.7	Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.
2.8	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
2.11	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
2.12	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Browning Honey Company Apiary Land Use Permit IDI-34955

EXHIBIT A
T. 5 N., R. 38 E., lot 19 of Section 22
April 25, 2013



THE BROWNING HONEY COMPANY
11760044 D/C Rstd Min



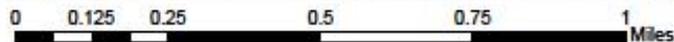
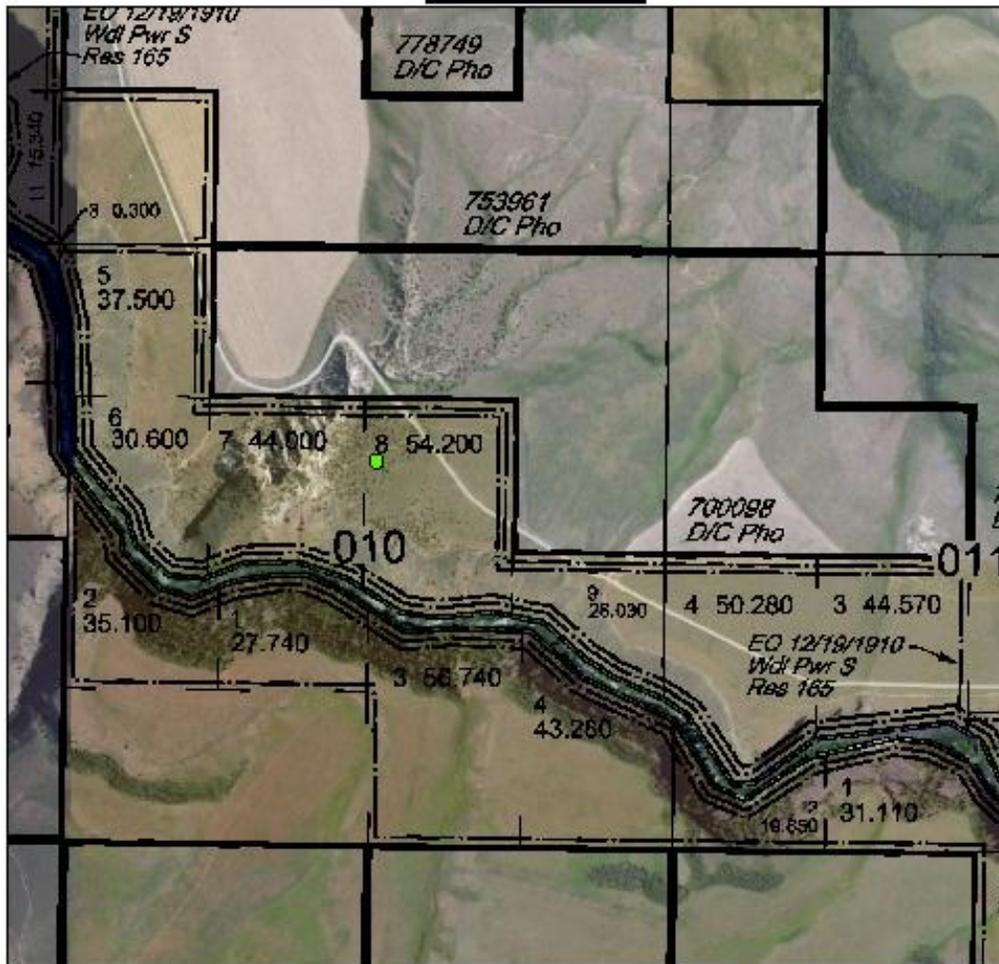
Drawn 4/25/2013

Browning Honey Apiary Site IDI-31733

T. 3 S., R. 38 E., sec. 10, lot 8.



Exhibit A-1



Legend

- Bureau of Land Management
- Department of Energy, Other
- Indian Reservation
- Private
- LUP area



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
4000 G Street, Suite 200
Denver, Colorado 80202



EXHIBIT B
STIPULATIONS
IDI-34955/IDI-31733

1. This land use permit is subject to all valid existing rights and shall not excuse the holders from obtaining any additional approvals lawfully required by the BLM or other federal, state, or local agencies.
2. The permittee will not make any changes in roads leading to or near the subject lands or be allowed to construct new roads, without prior written authorization from the BLM Authorized Officer.
3. The permittee will place honey bee colonies in areas where no vegetation will need to be cleared except the mowing of grasses either with hand equipment (such as a hand scythe, weed-eater, etc.), or with mowing machinery, for fire protection, if allowable. No removal of vegetation which includes soil disturbance such as blading is allowed and no leveling of the site is allowed without prior written authorization from the BLM Authorized Officer.
4. The permittee will take every precaution to prevent fires. This includes, but is not limited to, ensuring proper spark arresters on all internal combustion engines, proper use of all bee smokers, including properly extinguishing the smoker when moving between hives, and any other activities which they or their employees might engage in during their use of the public lands. Further, the permittee shall be responsible for the cost of suppression of all fires set or caused by themselves or their employees.
5. The permittee will maintain the site in a sanitary condition at all times; waste materials will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
6. The permittee will keep the site free from all safety and health hazards or problems not inherent in apiary use.
7. Apiary sites will be restricted to a maximum area of 100 feet by 100 feet. The number of colonies per site will not exceed 80.
8. The permittee will not place bee colonies within 100 feet of any public access road, dwelling, farm building or stock watering source.
9. Colonies authorized by this permit will not be placed within a ½ mile radius of any other apiary belonging to someone other than the permittee.
10. In the event of conflict with other valid existing uses, the Authorized Officer may require apiary sites be moved to another location.

11. The permittee shall be responsible for weed control on disturbed areas within the limits of the lease area. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the lease stipulations).